

NS

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

*Fed Def Kamdang*  
*assigned 10/22/11*  
*12:15*

- - - - -X

UNITED STATES OF AMERICA

- against -

JOSEPH MALEC,

Defendant.

PRE-ARRAIGNMENT  
C O M P L A I N T  
(21 U.S.C. §§ 952(a)  
and 960)

**M 11-1044**

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

DERON JAMES, being duly sworn, deposes and states that he is a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations, ("HSI"), duly appointed according to law and acting as such.

Upon information and belief, on or about October 21, 2011, within the Eastern District of New York and elsewhere, defendant JOSEPH MALEC did knowingly, intentionally and unlawfully import into the United States from a place outside thereof heroin, a Schedule I controlled substance.

(Title 21, United States Code, Sections 952(a) and 960).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1/</sup>

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<sup>1/</sup> Because the purpose of this Complaint is to state only probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

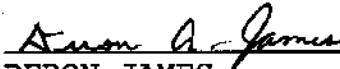
1. On October 21, 2011, defendant JOSEPH MALEC arrived at John F. Kennedy International Airport in Queens, New York, aboard Taca Airlines Flight No. 566 from Guatemala City, Guatemala via San Salvador, El Salvador.

2. During an examination, a Customs and Border Protection Inspector noticed that defendant JOSEPH MALEC appeared unusually nervous and made no eye contact. The defendant was presented with an x-ray consent form, which he read, appeared to understand, and voluntarily signed. The defendant then voluntarily admitted to swallowing approximately 100 foreign bodies containing drugs.

3. The defendant JOSEPH MALEC was transported to the medical facility at John F. Kennedy International Airport, where an x-ray was taken of defendant's intestinal tract, which was positive for foreign bodies. During the afternoon of October 21, 2011, the defendant passed 6 pellets, one of which field-tested positive for the presence of heroin. The defendant was then placed under arrest.

4. Defendant JOSEPH MALEC will be detained at the JFK medical facility until such time as he has passed all the pellets contained within his intestinal tract.

WHEREFORE, your deponent respectfully requests that  
defendant JOSEPH MALEC be dealt with according to law.



DERON JAMES  
Special Agent  
HSI

Sworn to before me this  
22nd day of October, 2011

THE HONORABLE STEVEN M. GOLD  
UNITED STATES MAGISTRATE JUDGE  
EASTERN DISTRICT OF NEW YORK